

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

<b>Applicant(s):</b> Allen et al.	<b>Conf. No.:</b> 6712
<b>Serial No.:</b> 10/726,457	<b>Art. Unit:</b> 2444
<b>Filed:</b> 12/03/2003	<b>Examiner:</b> Cheema, Umar
<b>Title:</b> METHOD, SYSTEM, CHAT INTERFACE, AND COMPUTER PROGRAM PRODUCT FOR COMPARING FREE TIME BETWEEN INSTANT MESSAGE CHAT MEMBERS	<b>Docket. No.:</b> LOT920030035US1 (IBML-0030)

Mail Stop Appeal Brief - Patents  
Commissioner for Patents  
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**BRIEF OF APPELLANTS**

This is an appeal from the Final Rejection dated October 16, 2008, rejecting claims 1 and 3-7. This Brief is accompanied by the requisite fee set forth in 37 C.F.R. 1.17 (c).

**REAL PARTY IN INTEREST**

International Business Machines Corporation is the real party in interest.

**RELATED APPEALS AND INTERFERENCES**

There are no related appeals or interferences.

## STATUS OF CLAIMS

As filed, this case included claims 1-23. Claims 1 and 3-7 remain pending, stand rejected, and form the basis of this appeal. Claims 2 and 8-23 have been cancelled.

## STATUS OF AMENDMENTS

No Response has been filed in response to the Final Office Action dated 16 October 2008.

## SUMMARY OF CLAIMED SUBJECT MATTER

The present invention provides a method for comparing free time for members of a chat (independent claim 1).

The method for comparing free time for members (USERS 121, 122,...12n, FIG. 1, page 6, paragraph 22) of a chat (CHAT 42, FIG. 2, pages 8-9, paragraph 29) comprising: storing individual calendars (CALENDAR 341, 342, FIG. 1, page 9, paragraph 30) corresponding to each member of the chat and at least one person (USERS 121, 122,...12n, FIG. 1, page 6, paragraph 22) who is not a member of the chat; initiating a free time comparison in response to an actuation of a selection mechanism (SELECTION MENU 57, FIG. 5, page 10, paragraph 32) via a chat interface (CHAT INTERFACE 40, FIG. 2, page 8, paragraph 29), the chat interface comprising a chat area (CHAT AREA 44, FIG. 2, pages 8-9, paragraph 29) for displaying a dialog (CHAT 42, FIG. 2, pages 8-9, paragraph 29) between the members of the chat, wherein initiating a free time comparison further comprises displaying a selection window (SELECTION BOX 58, FIG. 4, page 10, paragraph 31) including a plurality of selection mechanisms

(SELECTION MENU 57, FIG. 5, page 10, paragraph 32) corresponding to each member of the chat and the at least one person who is not a member of the chat, wherein the selection mechanisms corresponding to each member of the chat are selected automatically by default (SELECTION BOX 58, FIG. 4, page 10, paragraph 31), and wherein the selection mechanisms corresponding to each of the at least one person who is not a member of the chat are not selected by default (SELECTION BOX 58, FIG. 4, page 10, paragraph 31), but can be manually selected (RADIO BUTTONS 60, FIG. 4, page 10, paragraph 31) to be included in the free time comparison; combining the individual calendars corresponding to each member of the chat and the at least one person who is not a member of the chat into a free time summary calendar (FREE TIME DISPLAY AREA, FIG. 7, page 13, paragraph 38), wherein the free time summary calendar indicates at least one of free time periods (FREE TIME PERIODS 78, FIG. 5, page 11, paragraph 34) that are simultaneously available to all of the members of the chat and the at least one person who is not a member of the chat and conflict time periods (CONFLICT TIME PERIODS 76, FIG. 5, page 11, paragraph 34) during which at least two chat members simultaneously have an event scheduled; and enlarging the chat interface and displaying the free time summary calendar adjacent to the chat area (CHAT AREA 44, FIG. 2, pages 8-9, paragraph 29) of the chat interface.

## GROUND OF REJECTION TO BE REVIEWED ON APPEAL

(1) Whether claims 1 and 3-7 are unpatentable under 35 U.S.C. 103(a) over Virta (U.S. Pub. No. 2005/0065832) in view of Wies et al. (U.S. Patent No. 7,159,008), hereinafter “Wies” in further view of Achacoso et al. (U.S. Patent No. 6,161,149), hereinafter “Achacoso” and in further view of Conmy et al. (U.S. Patent No. 6,101,480), hereinafter “Conmy.”

## ARGUMENT

(1) Rejection of claims 1 and 3-7 over Virta, Wies, Achacoso and Conmy under 35 U.S.C. 103(a). The rejection under 35 U.S.C. 103(a) is defective because the references Virta, Wies, Achacoso and Conmy fail, alone or in combination, to disclose each and every feature of the claims.

Regarding independent claim 1, the Examiner posits that Conmy discloses, “...enlarging the chat interface and displaying the free time summary calendar adjacent to the chat area of the chat interface...” (Final Office Action of 16 October 2008 at page 5)(Conmy at col. 9, lines 34-59 and Figs. 5-9). Applicant respectfully submits that the Examiner is mistaken.

Conmy discloses, “[a] system for scheduling time intervals for a plurality of users on a network...” (Conmy at Abstract). While this system allows users to “view busy and free times for other users while on the road” and to create “links” between appointments in different applications, it fails to disclose the features of claim 1. (Conmy at col. 9, lines 41-46). Specifically, Conmy does not disclose “enlarging the chat interface and displaying the free time summary calendar adjacent to the chat area of the chat interface.”

(Claim 1). In fact, Conmy does not contemplate the use of a chat area and/or a chat interface. At best, Conmy discusses the use of a “Notes Release 4 mail user interface” which, “is a three pane interface that allows a user to organize their mail, see their messages, and read individual messages without jumping from window to window.” (Conmy at col. 11, lines 33-37). The term “messages” is only used in one other portion of the Conmy disclosure, where referred to as “mail messages.” (Conmy at col. 12, lines 35-39). Therefore, Conmy discloses a three pane interface that allows a user to organize their mail, see their mail messages, and read individual mail messages without jumping from window to window. These mail messages discussed in Conmy are not chats, and the three pane interface of Conmy is not a chat interface. As such, Conmy fails to disclose “...enlarging the chat interface and displaying the free time summary calendar adjacent to the chat area of the chat interface...” (Claim 1).

Further, Virta (electronic scheduling), Wies (chat interface), and Achacoso (central communication agent) all fail to overcome the deficiencies of Conmy, discussed herein. Specifically, none of the references show or discuss “enlarging the chat interface and displaying the free time summary calendar adjacent to the chat area of the chat interface.”

Additionally, the Examiner posits that “it would have been obvious to one of ordinary skill in the art of networking...to combine [References] for comparing free time for chat members.” (Office Action at page 6). In support of this argument, the Examiner points to Virta at paragraph 15. That portion of Virta merely discloses reserving an amount of personal time in a “personal time recorder.” (Virta at para. 15). However, Virta does not provide a reason to use its personal time recorder in conjunction with a

chat interface. The Examiner has failed, *inter alia*, to provide a logical link between the “dynamic calendar reservation” system of Virta and the “chat interface with haptic feedback functionality” of Wies that would give reason to arrive at the method of claim 1. Applicants respectfully submit that such a link does not exist, and that the combination of the above-discussed references was not obvious at the time of the invention.

Accordingly, Appellants submit that all pending claims are allowable because Virta, Wies, Achacoso and Conmy fail, alone or in combination, to disclose each and every feature of the claims as required by 35 U.S.C. 103(a).

Respectfully submitted,

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## CLAIMS APPENDIX

1. A method for comparing free time for members of a chat, comprising:

storing individual calendars corresponding to each member of the chat and at least one person who is not a member of the chat;

initiating a free time comparison in response to an actuation of a selection mechanism via a chat interface, the chat interface comprising a chat area for displaying a dialog between the members of the chat, wherein initiating a free time comparison further comprises displaying a selection window including a plurality of selection mechanisms corresponding to each member of the chat and the at least one person who is not a member of the chat, wherein the selection mechanisms corresponding to each member of the chat are selected automatically by default, and wherein the selection mechanisms corresponding to each of the at least one person who is not a member of the chat are not selected by default, but can be manually selected to be included in the free time comparison;

combining the individual calendars corresponding to each member of the chat and the at least one person who is not a member of the chat into a free time summary calendar, wherein the free time summary calendar indicates at least one of free time periods that are simultaneously available to all of the members of the chat and the at least one person who is not a member of the chat and conflict time periods during which at least two chat members simultaneously have an event scheduled; and

enlarging the chat interface and displaying the free time summary calendar adjacent to the chat area of the chat interface.

2. (Cancelled).

3. The method of claim 1, wherein the free time summary calendar indicates free time periods and conflict time periods in a format selected from the group consisting of a day view format, week view format, and month view format.

4. The method of claim 3, wherein the day view format and the week view format indicate free time periods and conflict time periods during a predetermined time span.

5. The method of claim 3, wherein the day view format and the week view format indicate free time periods that are simultaneously available to all of the members of the chat.

6. The method of claim 3, wherein the month view indicates free days during which there is at least one simultaneously available free time period for all of the members of the chat, and conflict days during which there are no simultaneously available free time periods for all of the members of the chat.

7. The method of claim 3, further comprising:

switching between the day view format, week view format, and month view format.

Claims 8-23 (Cancelled).



## EVIDENCE APPENDIX

No evidence has been submitted.

## RELATED PROCEEDINGS APPENDIX

There are no related proceedings.